

March 31, 1994
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

U.S.A. V. CITY OF SAN DIEGO
CASE NO. 88-1101-B

I am very pleased to attach the complete Memorandum Decision of Judge Rudi M. Brewster rejecting in its entirety the lodged Consent Decree.

Judge Brewster rejected the consent decree as "not in the public interest" on the following four (4) basic grounds, each asserted by the City in over four weeks of testimony:

1. The Consent Decree presents no environmental benefit.
2. The Consent Decree requires "wasteful over-treatment."
3. The Consent Decree requires unnecessary sludge production.
4. The Consent Decree mandates unnecessary reclamation facilities.

The Court has set a status conference for April 25, 1994 at 10:30 a.m. for the purpose of establishing a trial date to determine a suitable plan to bring the City into compliance with the existing law.

The full implications of this ruling will be reviewed with you in the next closed session. Suffice it to say, the City has been freed from a federal plan of "wasteful over-treatment" with "the oceanic environment . . . not be(ing) benefitted"

The trial team consisted of James J. Dragna, Special Counsel, Ted Bromfield, Chief Deputy, and the dedicated employees of the Metropolitan Wastewater Department led by Dave Schlesinger.

Respectfully submitted,
JOHN W. WITT
City Attorney

TB:mb:452.1.1(043.1)
Attachment
RC-94-18

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